



Board of Appeal

Atty. Docket No.: 3533-Z

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

John M. Egnor

Appeal No 2005-1122

Serial No. 08/828,560

Technology Center 3600

Filed: March 31, 1998

For: STOP for Equipment Positioning

AMENDMENT AFTER DECISION ON APPEAL
AND REQUEST FOR RECONSIDERATION BY EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Appeal by the Board of Patent Appeals and Interferences mailed March 30, 2007, applicant hereby elects to reopen the prosecution before the Examiner under 37 C.F.R. §41.50(b)(1).

Please amend the application as follows:

Amendments to the Claims:

Claims 1 - 12 (CANCELLED).

13. (NEW) The process of accurately locating wheeled commercial kitchen equipment to a predetermined location on a kitchen floor relative to a fixed fire suppression system and to prevent shifting of said wheeled commercial kitchen equipment relative to said fire suppression system during use and when it is removed and returned for servicing, thereby keeping said wheeled commercial kitchen equipment within acceptable tolerances of the fixed fire suppression system in said kitchen, comprising:

mounting a ramped stop element on said kitchen floor to define said predetermined location relative to said fire suppression system, said ramped stop element confining a wheel therein, said ramped stop element including opposing forwardly and rearwardly sloping surfaces, rolling a wheel of said wheeled commercial kitchen equipment up said forwardly sloping surface on said ramped stop element and down said rearwardly sloping surface to be positioned securely in said predetermined location in relation to said floor whereby, when said wheeled commercial kitchen equipment is removed for service, it is ensured each time that the commercial kitchen equipment will be returned to said predetermined location.

14. (NEW) The process defined in claim 13 including guiding wheeled commercial kitchen equipment to said predetermined location by flared surfaces in advance of said forwardly sloping surface of said ramped stop element.

15. (NEW) The process defined in claim 13 including the step of providing a rear ramp portion on said wheel ramp stop elements, said rear ramp portion having a greater slope than said down ramp.

16. (NEW) The process of accurately locating wheeled commercial kitchen equipment to a predetermined location on a kitchen floor relative to a fixed fire suppression system and to prevent shifting of said wheeled commercial kitchen equipment relative to said fire suppression system during use and when it is removed and returned for servicing, thereby keeping said wheeled commercial kitchen equipment within acceptable tolerances of the fixed fire suppression system in said kitchen, comprising:

positioning a pair of ramped stop elements on said kitchen floor to define said predetermined location relative to said fire suppression system, each said ramped stop element confining a wheel therein, each said ramped stop element including opposing forwardly and rearwardly sloping surfaces, rolling a wheel of said wheeled commercial kitchen equipment up said forwardly sloping surface on said pair of ramped stop elements and down said rearwardly sloping surface to be positioned securely in said predetermined location in relation to said floor whereby, when said wheeled commercial kitchen equipment is removed for service, it is ensured each time that the commercial kitchen equipment will be returned to said predetermined location; and

guiding said wheeled commercial kitchen equipment to said predetermined location by flared surfaces in advance of said forwardly sloping surface of said pair of ramped stop elements.

17. (NEW) The process of accurately locating wheeled commercial kitchen equipment to a predetermined location on a

kitchen floor relative to a fixed fire suppression system and to prevent shifting of said wheeled commercial kitchen equipment relative to said fire suppression system during use and when it is removed and returned for servicing, thereby keeping said wheeled commercial kitchen equipment within acceptable tolerances of the fixed fire suppression system in said kitchen, comprising:

providing a pair of ramped stop elements on said kitchen floor to define said predetermined location relative to said fire suppression system, each said ramped stop elements confining a wheel on said wheeled commercial kitchen equipment therein, each said ramped stop element including opposing forwardly and rearwardly sloping surfaces, rolling the wheel on said wheeled commercial kitchen equipment up said forwardly sloping surface on said ramped stop element and down said rearwardly sloping surface to be positioned securely in said predetermined location in relation to said fixed fire suppression system whereby, when said wheeled commercial kitchen equipment is removed for service, it is ensured each time that the commercial kitchen equipment will be returned to said predetermined location; and

guiding said wheeled commercial kitchen equipment to said predetermined location by flared surfaces in advance of said forwardly sloping surface of said ramped stop element.

18. (NEW) A ramped stop element for carrying out the method defined in one of claims 13, 14, 15, 16 or 17.

REMARKS/ARGUMENT

Claims 1 - 12 have been cancelled.

As noted above, applicant has elected to reopen prosecution before the Examiner and submit the above amendment which cancels finally rejected claims 1 - 11.

Method claims 13 - 18 replace method claim 12, and care has been taken to revise the claims at the points noted to be indefinite in the Board's decision. It will be noted that claim 13 calls for:

... mounting a ramped stop element on said kitchen floor to define said predetermined location relative to said fire suppression system, said ramped stop element confining a wheel therein, said ramped stop element including opposing forwardly and rearwardly sloping surfaces, rolling a wheel of said wheeled commercial kitchen equipment up said forwardly sloping surface on said ramped stop element and down said rearwardly sloping surface to be positioned securely in said predetermined location in relation to said floor whereby, when said wheeled commercial kitchen equipment is removed for service, it is ensured each time that the commercial kitchen equipment will be returned to said predetermined location.

In the prior art rejection given in the final rejection, the Examiner rejected claim 12 as being anticipated by Rapp (US 2,870,872). This ground of rejection is respectfully traversed. As now presented, claim 13 is specific to locating wheeled commercial kitchen equipment in a precise location in relation to fixed fire suppression systems each time it is removed and returned from servicing and comprises the steps of mounting ("positioning"

in claim 17; "providing" in claim 18) ramped stop elements on the kitchen floor to define the predetermined location in relation to the fire suppression system.

There is no prior art teaching or suggestion of such a novel concept. In the prior art, as set out in the specification, brakes have been used on commercial equipment to lock the wheels and prevent further rotation; but this does not assure accurate positioning and location in relation to fixed fire suppression equipment.

The present invention solves a longstanding problem in the commercial kitchen equipment art in that it solves the problem of expeditiously and precisely locating the removed and returned serviced kitchen equipment in its fixed location in relation to fire suppression equipment. The three Declarations attest to this longfelt need. (Board Decision, page 5, last full paragraph.)

Attached hereto is the Declaration of Kelly Moskowitz attesting to the commercial success of the invention. Since July 2005, the exclusive licensee of the invention, Dormont, has sold over 5,000 sets of the units for the specific purpose of satisfying the location of kitchen equipment in relation to fire suppression systems in commercial kitchens. Attached is a pamphlet used to promote the invention.

Applicant respectfully requests the courtesy of an interview with the Examiner and requests that the Examiner call applicant's undersigned counsel to arrange such an interview.

In view of the above, further and favorable action is respectfully requested.

Respectfully submitted,



Jim Zegeer, Reg. No. 18,957
Attorney for Applicants

Attachments:

Declaration of Kelly Moskowitz with 2 attached exhibits.
Pamphlet

Suite 108
801 North Pitt Street
Alexandria, VA 22314
Telephone: 703-684-8333

Date: May 14, 2007

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.

Posi-Set™

ITEM NO. _____

PROJECT _____

Solve the Problem of

NFPA 17A 5.6.4
2002 EDITION . . .

“Movable cooking equipment shall be provided with a means to ensure that it is correctly positioned in relation to the appliance discharge nozzle during cooking operations.”

Installation

After the cooking line below a hood has been set in place in relation to the fire suppression system, the rear wheels are marked on the floor and the item is removed. The Posi-Set bracket is then attached to the floor and the item is rolled into place. Posi-Set can be fastened using the anchoring system provided with each pair.

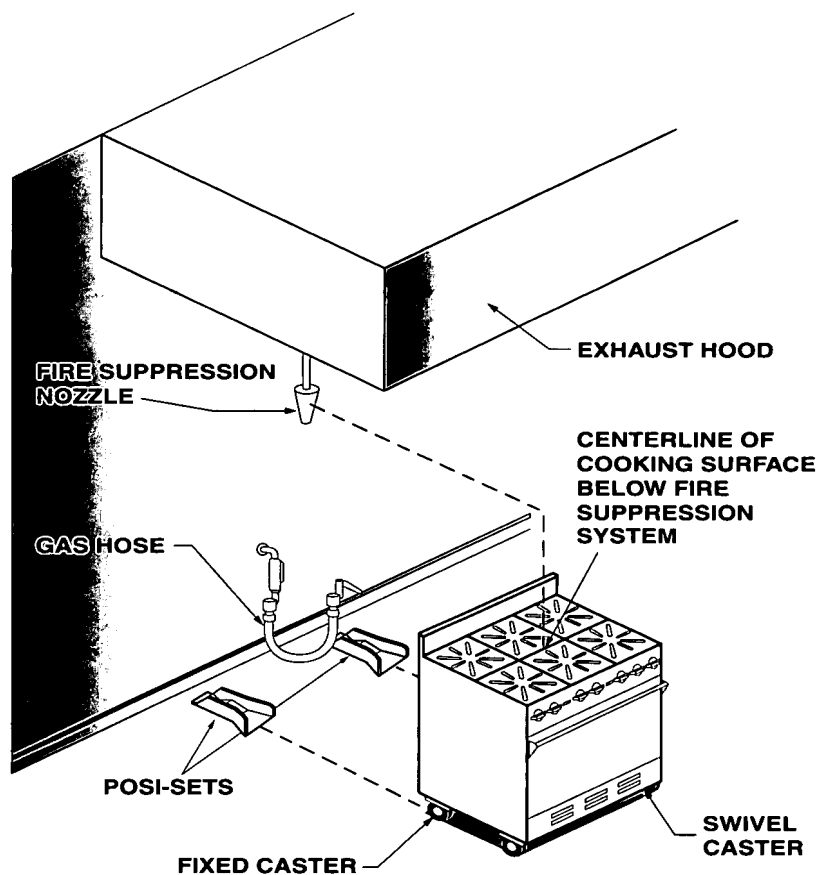
Material

Posi-Set is a flame retardant thermo plastic resin, able to resist 500 psi of direct force and is virtually indestructible.

Size

9 3/4" x 4 1/4" x 1"

A device developed for the positive placement of mobile kitchen equipment. Specific to the restaurant industry, Posi-Set is installed below the rear casters of mobile equipment located under the exhaust hood. Use of the Posi-Set bracket will ensure that specific cooking equipment is replaced in the proper location after removal for cleaning.



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In re application of
John M. Egnor
Serial No. 08/828,560
Filed: March 31, 1998
For: STOP for Equipment Positioning

Appeal No 2005-1122
Technology Center 3600

DECLARATION UNDER 37 C.F.R. 1.131 OR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Kelly Moskowitz, declare and state as follows:

1. That I am National Sales Manager for Posi-Set™ to position placement of mobile cooking equipment systems and which are described in the above-identified patent application.

2. Attached are two exhibits:

- (a) a press release of August 2005 put out by Dormont Manufacturing which explains the importance of the use of Posi-Sets™ method as defined in the pending application;
- (b) the sell sheet printed by Dormont Manufacturing showing Posi-Sets™ wheel placement system for commercial cooking equipment.

3. That since the introduction of Posi-Set™, approximately 6,000 sets (12,000 units) have been sold, the bulk being through Dormont Manufacturing since August 2005. I believe the nexus of this significant commercial success is due to the installation of

Posi-Sets™ enabling wheeled commercial kitchen equipment to be easily removed from service and expeditiously and accurately repositioned for further continued use in relation to fixed fire suppression equipment, thereby enabling the commercial kitchen cooking equipment to comply with NFPA 96, section 12.1.2.3 and NFPA 17A, Section 5.6.4 which are recited in the press release documents of Dormont Manufacturing.

I am familiar with the Declaration of Michael Whitty (as well as the Declarations of Messrs. Endsley and Shield) and agree with Mr. Whitty's statement that the present invention:

"...would solve the problem of restraining all of our commercial cooking equipment. This is critical for safety reasons. Much of this equipment involves use of hot surfaces and/or superheated oil. It is critical for the safety of our workers that this equipment remain in place so that they do not get burned if the equipment is bumped or moved. Mr. Egnor's invention would solve this problem."

I further agree with Mr. Whitty's statement in paragraph 5 of the Declaration reading:

"5. It is also necessary that our equipment stay in place so that it remain within a certain distance from fire suppression equipment. NFPA Code requires certain tolerances so that our fire suppression equipment will work in an emergency. This is a major safety concern because it is essential that the fire suppression equipment operate when needed. Mr. Egnor's invention would also solve this problem."

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

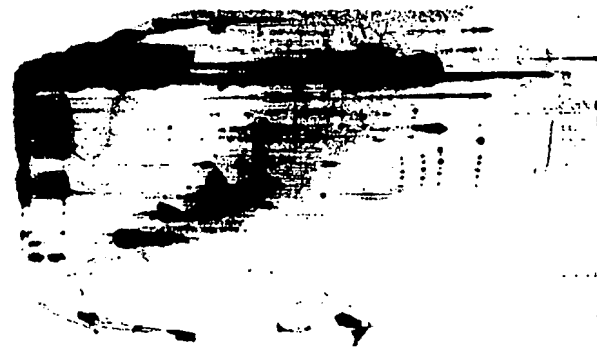
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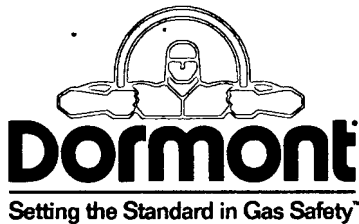
States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATED:

May 4, 2007

Kelly Moskowitz
Kelly Moskowitz





PRESS RELEASE

FOR IMMEDIATE RELEASE

Media Contact:
Jennifer Kelly

DORMONT LAUNCHES POSI-SET™ - A NEW "CODE REQUIRED" PRODUCT A Wheel Placement System for Moveable Equipment

Dormont Manufacturing is pleased to announce the introduction of Posi-Set™, a wheel (caster) placement system for moveable cooking equipment. Designed for commercial kitchens, Posi-Set™ is installed on the kitchen floor below the rear casters of mobile cooking equipment located under the exhaust hood. Use of the Posi-Set device will help ensure the maximum efficiency of the fire suppression system - in that the specific cooking equipment is returned to the approved design location after removal for cleaning.

This new addition to the Dormont Safety System was designed to help operators comply with national fire codes. Posi-Set™ addresses the requirements for moveable cooking equipment as defined by the national Fire Protection Agency (NFPA). Specifically:

- **NFPA 96** - Section 12.1.2.3 states that: "An approved method shall be provide that will ensure that the appliance is returned to an approved design location"
- **NFPA 17A** – Section 5.6.4 states that: "Moveable cooking equipment shall be provided with a means to ensure that it is correctly positioned in relation to the appliance discharge nozzle during cooking operation."

The Dormont Posi-Set System will be introduced in conjunction with the new **Safety Through Mobility™** Program at the 2005 NAFEM Show (National Association of Food Equipment Manufacturers) in Anaheim, CA (September 23-25, 2005).

Posi-Set™ joins the Dormont Safety System, a family of products designed specifically for the commercial foodservice industry. This portfolio of high quality products includes the **Dormont Blue Hose™** (with its patented Stress-Guard™ 360° rotating end fittings and patent pending Antimicrobial Coating); **SnapFast™** the industry's only One Handed Quick Disconnect; **Swivel Max™**, a patented swivel with 360° multi-plane movement; and the **SafetyQuik™**, a patented quick disconnect/safety valve combination.

About Dormont

Dormont is the inventor of both the flexible stainless steel gas connector and the quick disconnect gas connector. As the leading manufacturer of commercial grade quick disconnect gas connectors, the Dormont family of Safety System™ products are used in the foodservice industry to provide for mobility, improved safety and hygiene. Dormont's Safety System™ also includes a leading brand of flexible stainless steel gas connectors, which are used in residential applications. Dormont is a primary supplier of OEM Design Solutions for fluid conveyance for gas appliance manufacturers. Dormont's proven performance record spans over 60 years with more than 75 million safe installations worldwide. The Company is an ISO 9001:2000 Registered Manufacturer that has developed proprietary, world-class equipment and processed to manufacture the finest quality stainless steel gas connectors. #####

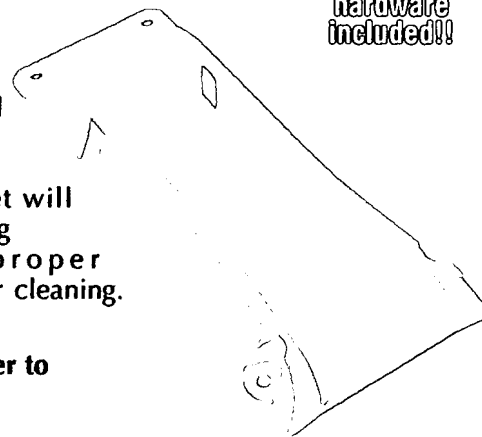
ISO 9001: 2000 REGISTERED



Wheel Placement System for Commercial Cooking Equipment

Installation
hardware
included!!!

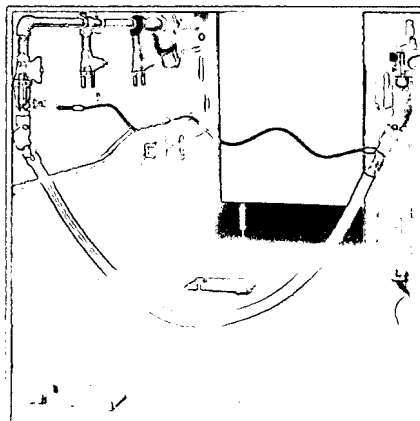
Specific to the restaurant industry, Posi-Set is installed below the rear casters of mobile equipment. Use of the Posi-Set bracket will ensure that specific cooking equipment is replaced in the proper location after removal for cleaning.



The following standards refer to the need for Posi-Set

NFPA 17A 5.6.4

Movable cooking equipment shall be provided with a means to ensure that it is correctly positioned in relation to the appliance discharge nozzle during cooking operation.



NFPA 96 12.1.2.3

An approved method shall be provided that will ensure that the appliance is returned to an approved design location.

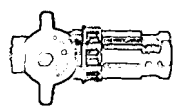
Protect your customers, stay in code and prevent fires with Posi-Set™.

Part of the

Dormont Safety System™



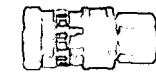
The Blue Hose™



Safety Quik™



Swivel MAX™



Snapfast™



Restraining Cable



POSI-SET™

Posi-Set™ can be used for other applications to ensure proper placement such as commercial refrigerators, electric combi-ovens, salad bars and more.



Product Specifications

- Posi-Set™ is a flame retardant thermo plastic resin, able to resist 500 p.s.i. of direct force.
- Size 9 3/4" x 4 1/4" x 1".
- Can be installed in new and existing applications.
- Installation hardware included.

Posi-Set Kits		
Part #	Description	List Price
PS	One (1) Set of Posi-Set™ - Bagged	\$110.00
1675KIT48PS	3/4" x 48" Connector Kit w/ Posi-Set™	\$370.00
1675KITS48PS	3/4" x 48" Connector Kit w/ Swivel Max™ & Posi-Set™	\$445.00
1675KIT2S48PS	3/4" x 48" Connector Kit w/ Double SwivelMax™ & Posi-Set™	\$505.00
1675KITCF2S48PS	3/4" x 48" Connector Kit w/ Double SwivelMax™, SafetyQuik™ & Posi-Set™	\$537.00

Posi-Set is available with a "BPQR" and "KIT" series, add PS at the end of the part number.

